



DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA-2022-0571; Airspace Docket No. 22-ANM-46]

RIN 2120-AA66

Establishment of Class E Airspace; Christmas Valley Airport, OR

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Final Rule.

SUMMARY: This action establishes Class E airspace extending upward from 700 feet above the surface at Christmas Valley Airport, OR. These actions will support the airport's transition from visual flight rules (VFR) to instrument flight rules (IFR) at the airport.

DATES: Effective 0901 UTC, February 23, 2023. The Director of the *Federal Register* approves this incorporation by reference under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11, Airspace Designations and Reporting Points, and publication of conforming amendments.

ADDRESSES: FAA Order JO 7400.11G, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at www.faa.gov/air_traffic/publications/. For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267-8783.

FOR FURTHER INFORMATION CONTACT: Nathan A Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S. 216th Street, Des Moines, WA 98198; telephone (206) 231-3460.

SUPPLEMENTARY INFORMATION:

Authority for this Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it would establish Class E airspace at Christmas Valley Airport, OR to support IFR operations at the airport.

History

The FAA published a notice of proposed rulemaking (NPRM) in the *Federal Register* for FAA-2022-0571 (87 FR 38309; June 28, 2022) to establish Class E airspace beginning at 700 feet above the surface at Christmas Valley Airport, OR. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA.

Two comments were received. One comment was received in favor of the proposal, and one comment was against the proposal. The comment against argues that, "A 14 mile radius 700' [sic] transition area is grossly excessive for one proposed standard instrument approach procedure. This proposed transition area should be no larger than required for flight below 1,200 feet, above ground level." The above comment does not make a valid argument against the FAA's actions, as the airspace is appropriately sized. Class E5 airspace areas with a base of 700 feet above the surface must be designated to accommodate departing IFR operations until they reach 1,200 feet above the surface. Additionally, a climb gradient of 200 feet per nautical mile (NM) must be applied to determine the size of all Class E airspace for departures. Christmas Valley Airport allows for diverse departures, as it does not have a published departure procedure. Due to rising terrain south and west of the airport, a Class E5 airspace area encircling the airport with a 14-mile radius is necessary to accommodate IFR departures until reaching 1,200 feet above the surface.

Class E5 airspace designations is published in paragraph 6005 of FAA Order JO 7400.11G, dated August 19, 2022, and effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in FAA Order JO 7400.11.

Availability and Summary of Documents for Incorporation by Reference

This document amends FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022. FAA Order JO 7400.11G is publicly available as listed in the “ADDRESSES” section of this document. FAA Order JO 7400.11G lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

The FAA is amending 14 CFR part 71 by establishing Class E airspace beginning at 700 feet above the surface at Christmas Valley Airport to contain departing aircraft until reaching 1,200 feet above the surface, and arriving aircraft below 1,500 feet above the surface. The airspace is centered on the Christmas Valley Airport reference point, with a 14-mile radius to account for rising terrain in the vicinity of the airport.

The Class E5 airspace designation is published in paragraph 6005 of FAA Order JO 7400.11G, dated August 19, 2022, and became effective September 15, 2022, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in FAA Order JO 7400.11.

FAA Order JO 7400.11 is published annually and becomes effective on September 15.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current, is non-controversial, and unlikely to result in adverse or negative comments. It therefore: (1) is not a “significant regulatory action” under Executive Order 12866;

(2) is not a “significant rule” under DOT regulatory policies and procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5-6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, incorporation by reference, navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the FAA amends 14 CFR part 71 as follows:

PART 71 - DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959-1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11G, Airspace Designations and Reporting Points, dated August 19, 2022, and effective September 15, 2022, is amended as follows:

Paragraph 6005. Class E Airspace Areas Extending Upward from 700 feet or More Above the Surface of the Earth.

* * * * *

ANM OR E Christmas Valley, OR [New]

Christmas Valley Airport, OR

(lat. 43°14'11"N., long. 120°39'53"W.)

That airspace extending upward from 700 feet above the surface within a 14-mile radius of the Christmas Valley Airport.

Issued in Des Moines, Washington, on November 14, 2022.

B. G. Chew

Group Manager

Operations Support Group

Western Service Center

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